



LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2012–5]

Verification of Statements of Account Submitted by Cable Operators and Satellite Carriers

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking: Extension of reply comment period.

SUMMARY: The Copyright Office is extending the deadline for filing reply comments in response to its Notice of Proposed Rulemaking concerning the verification of Statements of Account and royalty payments that are deposited with the Office by cable operators and satellite carriers. Initial comments are available for review on the Copyright Office website.

DATES: Reply comments on the proposed regulation must be received in the Office of the General Counsel of the Copyright Office no later than 5 pm Eastern Daylight Time (EDT) on October 3, 2012.

ADDRESSES: The Copyright Office strongly prefers that comments be submitted electronically.

A comment submission page is posted on the Copyright Office Web site at

<http://www.copyright.gov/docs/soaaudit>. The website interface requires submitters to complete a form specifying name and other required information, and to upload comments as an attachment.

To meet accessibility standards, all comments must be uploaded in a single file in either the Adobe Portable Document File (PDF) format that contains searchable, accessible text (not an image); Microsoft Word; WordPerfect; Rich Text Format (RTF); or ASCII text file format (not a scanned document). The maximum file size is 6 megabytes (MB). The name of the submitter and organization should appear on both the form and the face of the comments. All comments will be posted publicly on the Copyright Office website exactly as they are received, along with names and organizations if provided. If electronic submission of comments is not feasible, please contact the Copyright Office at (202) 707–8380 for special instructions.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

On June 14, 2012, the Copyright Office published a notice of proposed rulemaking and request for comments concerning a new regulation that will allow copyright owners to audit the Statements of Account and royalty fees that cable operators and satellite carriers deposit with the Copyright Office under Sections 111 and 119 of the Copyright Act. The Office received comments on the proposed regulation from groups representing copyright owners, cable operators, and satellite carriers, which have been posted on the Copyright Office website at <http://www.copyright.gov/docs/soaaudit/comments/index.html>. The notice of proposed rulemaking stated that reply comments would be due on September 12, 2012.

On August 24, 2012, the Office received a joint motion to extend the reply comment period by three weeks [http://www.copyright.gov/docs/soaaudit/soa_audit.html]. The motion was filed by the National Cable & Telecommunications Association (“NCTA”),¹ the Joint Sports Claimants, and the Program Suppliers.² Specifically, the moving parties asked the Office to extend the deadline for reply comments until October 3, 2012 in order to determine whether there is any common ground among the NCTA, the Joint Sports Claimants, and the Program Suppliers concerning certain aspects of the proposed regulation. If so, the moving parties stated that they may be able to narrow the issues that they discuss in their reply comments, which in turn, may narrow the issues that need to be resolved in this rulemaking. The NCTA, the Joint Sports

¹ The NCTA is a trade association that represents cable operators. Many of the NCTA’s members file Statements of Account with and pay royalties to the Copyright Office under the statutory license set forth in Section 111 of the Copyright Act, which allows them to retransmit television and radio programs that are embodied in local and distant broadcast transmissions.

² Both the Joint Sports Claimants and the Program Suppliers represent copyright owners who are the beneficiaries of the royalties that are paid under the Section 111 and 119 statutory licenses. Generally speaking, the Joint Sports Claimants represent copyright owners that produce professional and college sports programming, while the Program Suppliers represent copyright owners that produce and/or syndicate movies, programs, and specials that are broadcast by television stations.

Claimants, and the Program Suppliers stated that they have been in contact with each other, but due to prior commitments, they will not be able to engage in meaningful negotiations until shortly before the current deadline.

In the interest of giving the NCTA, the Joint Sports Claimants, the Program Suppliers, and any other interested parties an opportunity to discuss the proposed regulation amongst themselves and to determine if the parties are able to narrow the issues that the Office needs to consider, the Office has decided to extend the deadline for filing reply comments by a period of three weeks, making reply comments due by October 3, 2012.

Dated: September 6, 2012

Tanya Sandros,
Deputy General Counsel.

[BILLING CODE: 1410-30-P]

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